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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,227	09/26/2003	Alain Baranger	0514-1119	6829
466	7590	04/11/2005	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			NGUYEN, JIMMY T	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,227

Applicant(s)

BARANGER ET AL.

Examiner

Jimmy T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/26/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: fig. 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Regarding pages 1-11, the specification is objected to because of the following informalities:

1. The section headings for each section (i.e. background of the invention section, detailed description of the invention section, ...) are missing.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

2. On page 8, line 14, numeral reference " 19" " should be changed to --- 19' ---.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 23, line 1, the phrase "particularly" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 1, lines 2-3, the speculative terminology such as "may possible" is indefinite.

Regarding claim 1, line 4, there is no antecedent basis for "the vat of the press" in the claim.

Regarding claim 1; line 5, claim 7, line 4; claim 11, line 7; claim 17, line 6; claim 18, line 11; claim 21, line 10; and claim 23, line 2, the phrase "preferably" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claims 3-12 and 14-22, the preambles of dependent claims need to be consistent with their parent claim. For example, in claim 3, line 1, the words "The draining" should be added before the word "unit".

Regarding claim 4, line 3, there is no antecedent basis for "the trough-shaped profiling element" in the claim. Additionally, it is unclear what kind of shape is a trough-shaped.

Regarding claim 5, lines 2-3 and 7, it is unclear what "each component part" applicant refers to, and where are the component part located on the profiled element.

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Regarding claims 6, lines 2-3; claim 19, lines 4 and 6; claim 20, line 10, the phrase “in question” renders the claims vague and indefinite because it is unclear what limitation in the claims the phrase “in question” is referring to.

Regarding claim 6, line 4, the speculative terminology such as “possible” is indefinite.

Regarding claim 7, line 4, the terminology “plate-shaped” is vague and indefinite. It is unclear what kind of shape is a plate-shaped.

Regarding claim 8, line 2, there is no antecedent basis for “the straight indentation” in the claim.

Regarding claim 10, lines 5-6, the phrase “in particular” renders the claim definite because it is unclear what limitation in the claim the phrase “in particular” is referring to.

Regarding claim 13, line 6, the speculative terminology such as “being capable” is indefinite.

Regarding claim 14, line 3, there is no antecedent basis for “the profiled trough-shaped element” in the claim. Additionally, it is unclear what kind of shape is a trough-shaped.

Regarding claim 18, line 2, there is no antecedent basis for “the two parts” in the claim.

Regarding claim 20 and 21, line 2, it is unclear what “each part” applicant refers to.

All claims should be carefully reviewed for clarity and definiteness.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

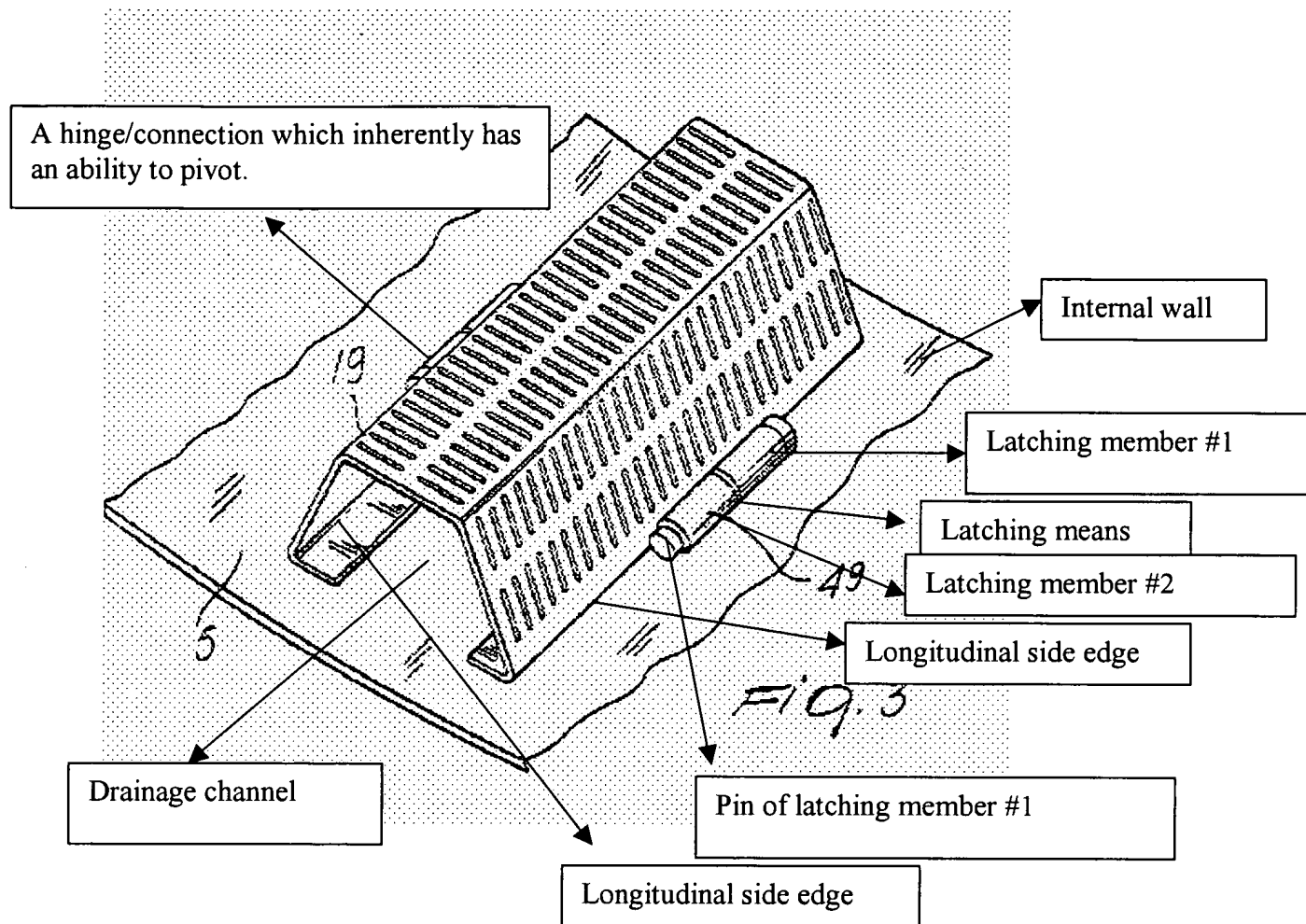
A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 13, and 23, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Diotalevi (US 6,247,397).

Regarding claim 1, Diotalevi discloses a draining unit for a press comprising at least one elongated, profiled element (19) which contain a plurality of spread-out holes (fig. 3), said element extending along the internal wall (5, fig. 3) of the press and forming a drainage channel together with the wall through contact at two longitudinal side edges (fig. 3), wherein the profiled element (19) is interlocked with said wall at one of its side edges by means of a connection (49) with an ability to pivot. Diotalevi discloses that the profiled element (19) is easily opened (col. 2, lines 51-55) from the vat by utilizing a latching means/hinges (49), therefore, the latching means adapted to lock said profiled element (by sliding the latching means into a pin (see below)) in a position with its two side edges resting against said internal wall so as to form the drainage channel (see the illustration below).



Regarding claim 4, Diotavely discloses the longitudinal side edges of the profiled element (19) are extended by inwardly folded shoulders forming two parallel bearing strips (see fig. 3) for said profiled element (19) in the position in which it is turned down to form the drainage channel, the profiled element (1) being shaped so that, in the turned-down position, it defines a drainage channel (4) of rectangular section by cooperation with the wall (3) of the vat (2) (fig. 3).

Regarding claim 13, Diotavely discloses the latching means is formed by two members (see illustration above), one (latching member #1) of which is interlocked with the profiled element (119) and the other of which is interlocked with wall (latching member #2) of the vat, the two members being capable of being inter-engaged to lock the profiled element (1) in position and disengaged through translation of said profiled element (1) in opposite directions.

Regarding claim 23, Diotavely discloses a pneumatic press including a cylindrical vat (2), the draining unit (19) being provided over part of its internal wall (fig. 1) extending parallel with the longitudinal direction of the vat and designed to recover the juices from the pressed materials and direct them towards collecting and outlet orifices (21).

Allowable Subject Matter

Claims 2, 3, 5-12, 14-22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,802,962 teaches a drain unit (10) having a profiled element (100) is interlocked with a wall at one of its side edges by means of a connection (104) with an ability to pivot. And a latching means (108) adapted to lock said profiled element.

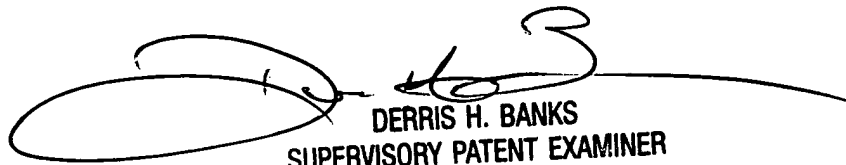
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen
April 05, 2005



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